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15 receiving and separating said racing data and said real-time racing videos with a user terminal; and

[Simultaneously] displaying said racing data and said real-time racing videos on a monitor with said user terminal.

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5 132. (Twice amended) An off-track user terminal for operation with an interactive racing wagering system having a wagering data management facility for providing racing data and for maintaining a wagering account for a user, a racing data interface that receives racing data from said wagering data management facility, a source of real-time racing videos of at least one live event, a video and data distribution system for receiving said racing data from said racing data interface and said real-time racing videos from said source of real-time racing videos, said video and data distribution system providing both said racing data and said real-time racing videos, and a monitor, said user terminal comprising:

10 means for receiving said racing data and said real-time racing videos;

means for [simultaneously] displaying said racing data and said real-time racing videos on said monitor;

user input means for receiving wager data corresponding to wagers [to be] placed by a user; and

15 transaction data communication circuitry that transmits said wager data to said wagering data management facility.

REMARKS

Claims 1-68 and 131 are accepted as being allowed as stated in the March 11, 1997 Office Action. Claims 69-130 and 132 are pending in the present prosecution. Claims 34, 69, 92, 100, and 132 have been amended to clarify the claim language therein and in response to rejections and objections presented in the March 11, 1997 Office Action. For the reasons stated below, the Applicants respectfully request that the present rejections and objections be reconsidered and withdrawn.

Claim Clarifications

Claim 34 has been amended to make it clear that claim 34 is an apparatus claim, not a method claim.

Claim 94 has also been amended so that claim 94 depends from claim 91. Claim 91 contains the antecedent language "means for presenting race results" that is relied upon in claim 94.

Claims 69-130 and 132

Claims 73, 74, 76, 78, 79, 81, 83, 85-90, 93-95, 97, 98, 104, 105, 107, 109, 110, 112, 114, 116-121, 124-126, and 129 were indicated to contain allowable subject matter, but were objected to as depending from rejected base claims. Applicants hereby reserve the right to place these claims in independent form incorporating the features of the base claims and any intervening claims, should the base claims not be allowed.

Claims 69-72, 75, 77, 80, 82, 84, 91, 92, 96, 99-103, 106, 108, 111, 113, 115, 122, 123, 127, 128, 130, and 132 were rejected under 35 U.S.C. § 102(b) as being anticipated by United Kingdom patent number GB-A-2229565 (hereinafter "the '565 patent"). However, the Applicants respectfully request that the present rejection be reconsidered and withdrawn for the reasons stated below.

One key element of Applicants' invention in independent claims 69, 100, and 132, claims an interactive wagering system for off-track wagering on at least one live event in which racing data and "real-time racing videos of at least one live event" are provided to a user. The user can interactively place wagers on a selected upcoming live event and view results of wagers all based on racing data related to a selected event. The user can also view the live original event in real-time as the event takes place elsewhere in the world by way of real-time video of the event. It is the subject of the event that is real-time.

Further, claims 69, 100, and 132 each claim additional unique elements not disclosed in the '565 patent. For example, claim 69 claims a system having a source of real-time racing videos. Claim 100 claims the step of supplying real-time racing videos. Claims 69 and 100 also claim elements directed to the use of a video and data

distribution system to distribute live real-time racing videos. Finally, claims 69 and 100 each claim elements directed to receiving and separating real-time racing videos at a user terminal and displaying these real-time racing videos.

The '565 patent lacks the live real-time event element claimed in Applicants' independent claims 69, 100, and 132. Instead, the '565 patent discloses a stand-alone betting system that includes "a database containing information relating to a plurality of past, completed competitive events . . . including a list of contestants and an outcome of the event." See, '565 patent, page 1, lines 12-15. Although the "canned" events disclosed by the '565 patent may include recordings of actual past events whose identities and details have been obscured, the subject of the events are not live in real time. Therefore the '565 patent disclosure lacks any of the critical details of providing a live event wagering and viewing system as in Applicants' cited claims. Further, the '565 patent teaches away from a system for betting on live real-time events because of the unreliable scheduling of live real-time events. See, '565 patent, page 1, lines 3-8.

Finally, the '565 patent does not disclose the use of video of actual live events and instead provides a simulated or pre-recorded event on a display. Specifically, the '565 patent discloses a database 18 that is connected to control system 12 via telephone line 17 so that racing information can be periodically provided from database 18 to memory device 15 in control system 12. However, none of the racing information handled by the system of the '565 patent is live race data or video information. A bettor using the system of the '565 patent inserts a coin into coin mechanism 5 causing random racing information for a racing event to be retrieved from memory 15. As shown in the text accompanying FIG. 4, the '565 patent's system then displays the simulated and/or pre-recorded race in compressed time in the form of horse icons 21. Nowhere is the user of the '565 patent's system able to view live real-time racing video subject matter of any kind.

It is well established that exclusion of a single claimed element from a cited reference is sufficient to negate anticipation. *Atlas Power Co. v. E. I. Du Pont De Nemours*, 750 F.2d 1556, 1574 (Fed.Cir. 1984). Because the '565 patent fails to

disclose each of Applicants' claimed elements in independent claims 69, 100, and 132, the cited claims are not anticipated by the '565 patent. Independent claims 69, 100, and 132, and each dependent claim thereon, are therefore believed in condition for allowance. For these reasons, the Applicants respectfully request that the present rejection be reconsidered and withdrawn.

References Not Relied Upon

The Examiner has considered but not relied upon an extensive list of documents submitted by the Applicants in an Information Disclosure Statement. Of these documents, at least two make reference to Applicants' own invention and are not prior art with respect to the present Application having a September 8, 1995 filing date. The at least two documents include "And We're Off To The Races!", John Burgess, The Washington Post, January 16, 1995; and "Interactive Wagering A Good Bet", Maury Wolff, Daily Racing Form, January 29, 1995.

Conclusion

Claims 1-132 have either been allowed, amended, or otherwise shown to be allowable. For this reason, this Application is believed to be in condition for allowance and the Applicants respectfully request that the present rejections and objections be reconsidered and withdrawn. The Examiner is invited to telephone the undersigned at (303) 449-9497 x20 should any final matters require attention to expedite this Application toward allowance.

Respectfully submitted,

DUFT, GRAZIANO & FOREST, P.C.

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By:



Mark A. Guetlich, Reg. No. 38,900
1790 - 30th Street, Suite 140
Boulder, CO 80301
Tel: 303-449-9497
Fax: 303-449-0814

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